

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
Frank Lill & Son, Inc.,  
Plaintiff,

v.

\_\_\_\_\_  
Medical Area Total Energy  
Plant, Inc.,  
Defendant.

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)  
)  
)  
) Civil Action No. 05-10122 RGS  
)  
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)  
)

DEFENDANT'S CERTIFICATION PURSUANT TO  
LOCAL RULE 16.1, UNITED STATES  
DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
Defendant Medical Area Total Energy Plant, Inc.  
(MATEP), and MATEP's counsel, hereby certify pursuant to  
Local Rule 16.1 that:

(1) MATEP and MATEP's counsel have conferred with a  
view to establishing a budget for the costs of conducting  
the full course of litigation and of conducting alternative  
courses of litigating such as non-binding mediation.

(2) MATEP and MATEP's counsel have agreed to  
participate in non-binding mediation if plaintiff is also  
willing to participate.

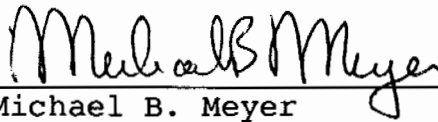
Respectfully Submitted,  
MEDICAL AREA TOTAL ENERGY  
PLANT, INC.  
Defendant



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William DiCroce  
President  
Medical Area Total Energy  
Plant, Inc.  
474 Brookline Avenue  
Boston, Massachusetts 02215

Counsel for MATEP, INC.  
Defendant



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May 18, 2005